

# **Immigration Parole Reform Act of 2022: Section-by-Section**

## **Section 1: Short Title**

- Naming the bill the “Immigration Parole Reform Act of 2022”

## **Section 2: Immigration Parole Reform**

- Amends the parole statute to state that parole may not be granted to aliens “according to eligibility criteria describing an entire class of potential parole recipients”
- Amends the parole statute to clearly state that parole may only be granted to aliens who are not present in the United States, with some very narrow exceptions
- Amends parole statute to clearly define what qualifies as an “urgent humanitarian reason” or a “significant public benefit” for purposes of granting parole
- Clarifies what qualifies as “case-by-case” consideration for purposes of granting parole
- Clarifies that parole cannot be used as a way to adjust to lawful permanent resident status or to obtain any other immigration benefit unless the alien has an underlying immigration status that allows for adjustment of status or other immigration benefit eligibility. Also clarifies that granting parole to an alien after departure from the United States shall not be regarded as an admission of the alien to the United States.
  - While current law states that parole is not an admission, DHS has opined that when an alien travels and re-enters under “advance parole,” then that re-entry is an admission (under INA 101(a)(13)). Thus this section adds the clarification that if a parolee re-enters, they are not suddenly eligible for immigration benefits for which they were ineligible prior to travel.
- Limits the time period of an initial grant of parole to the shorter of:
  - A period of sufficient length to accomplish the activity for which the alien was paroled or
  - 1 year
- Allows only one extension of the initial grant of parole for the shorter of:
  - The period of time necessary to accomplish the activity for which the alien was paroled or
  - 1 year
- Allows parole for certain spouses and children of members of Armed Forces, as is currently done by policy.

- Requires the submission of an annual report to Congress regarding the total number of aliens paroled into the United States during the previous fiscal year and, for each alien paroled into the United States – the duration of their parole, the type of parole they have, and the current status of their parole

### **Section 3: Implementation**

- Lays out the implementation timeline for various portions of the bill

### **Section 4: Cause of Action**

- Creates standing for parties to hold DHS accountable for failing to lawfully apply the provisions of the bill

### **Section 5: Severability**

- Severability clause stating that if any provision of the bill is held to be unconstitutional, the remainder of the bill shall not be affected